

Message Text

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ACTION EA-12

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FM AMEMBASSY SUVA

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INFO AMEMBASSY LONDON

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AMEMBASSY CANBERRA

UNCLAS SECTION 1 OF 2 SUVA 0754

E.O. 11652: N/A

TAGS: PBOR

SUBJECT: BANABANS ACCEPT OFFER OF A\$10 MILLION

1. LATEST DEVELOPMENT IN THE BANABAN CONTROVERSY IS AN ANNOUNCEMENT BY THE BANABANS THAT THEY WILL ACCEPT THE A\$10 MILLION EX-GRATIA PAYMENT OFFERED TO THEM SINCE MAY 1977. THIS PAYMENT WAS OFFERED BY THE BRITISH GOVERNMENT IN CONCERT WITH THE AUSTRALIANS AND NEW ZEALANDERS AFTER THE COURTS RULED THAT THE BANABANS HAD WON A MORAL CASE. THIS PAYMENT SHOULD END THE LONG COURT BATTLE BY THE BANABANS TO GAIN SOME PAYMENT FOR THE DAMAGES TO THEIR ANCESTRAL HOMELAND, BANABA (OCEAN ISLAND) AFTER 50 YEARS OF MINING PHOSPHATE. THE BRITISH DEFINITELY DO NOT REGARD THIS PAYMENT AS ANY KIND OF COMPENSATION. THE PRINCIPLE HAS BEEN ESTABLISHED THAT THE CROWN CANNOT BE ORDERED BY A COURT TO PAY MONETARY DAMAGES FOR THE ACTIONS OF BRITISH COLONIAL ADMINISTRATIONS. THE BRITISH GOVERNMENT IS MAKING THIS PAYMENT ON CONDITION THAT THE BANABANS DROP ALL RIGHTS OF APPEAL. IN ACCEPTING THIS PAYMENT, TE BANABANS ARE NOT ONLY AGREEING TO DROP ALL THEIR LITIGATION AGAINST THE CROWN BUT ALSO MUST ACCEPT THE PRINCIPLE THAT THE CROWN IS NOT LIABLE FOR DAMAGES. THE BANABANS WHILE CONCEDING ON THIS POINT HAVE DECLARED THAT THEY WILL NOT BE DROPPING THEIR BATTLE FOR

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THE INDEPENDENCE OF BANABA. (OCEAN ISLAND).

2. EVEN THOUGH THE BANABANS HAVE ACCEPTED THE A\$10 MILLION PAYMENT, THEY DO NOT AGREE WITH THE BRITISH PROPOSAL THAT THE MONEY BE PUT INTO A TRUST FUND. THE BANABANS WANT IT TO BE A DIRECT PAYMENT. THE BRITISH GOVERNMENT IS STILL WAITING FOR THE BANABAN LAWYERS TO CONTACT THEM SO THAT THERE CAN BE A

SETTLEMENT ON THE MANNER OF PAYMENT.

3. THIS A\$10 MILLION PAYMENT THEREFORE, MAY FINALLY BRING TO AN END THE COURT BATTLES OF THE BANABANS BUT THE INDEPENDENCE QUESTION IS STILL WIDE OPEN.

4. MEANWHILE IN RABI, ALL IS NOT AS IT SHOULD BE. THE RABI COUNCIL OF LEADERS WHICH PERFORMS EXECUTIVE FUNCTIONS FOR THE BANABAN COMMUNITY HAD COME UNDER CRITICISM FOR HAVING FAILED TO ORGANIZE NEE ELECTIONS BEFORE OR SHORTLY AFTER THE END OF THEIR THREE YEAR TERM WHICH WAS DECEMBER 1977. THE REVEREND TUBUKE ROTAN, MANAGER OF THE COUNCIL, DESCRIBED RECENTLY THE COUNCIL AS A CARETAKER ORGANIZATION ALLEGING THAT THIS WAS ACCEPTED IN MEETINGS HELD AT THE FOUR BANABAN VILLAGES IN RABI. THE ISSUE SHOULD BE RESOLVED SOON BECAUSE ELECTIONS HAVE BEEN SCHEDULED FOR 12 - 14 MAY FOR THE ELECTION OF A NEW COUNCIL.

5. ACCORDING TO VARIOUS SOURCES THE ELECTION OF A NEW COUNCIL IS EAGERLY EXPECTED IN THE GILBERT ISLANDS WHERE THE NEW CHIEF MINISTER IEREMIA TABAI HAS ALREADY ISSUED AN INVITATION FOR THE NEW MEMBERS TO COME TO THE GILBERTS FOR DISCUSSIONS ON THE STATUS OF BANABA ISLAND.

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6. IN THE COURSE OF THE AMBASSADOR'S FIRST CALL ON THE PRIME MINISTER, RATU MARA REFERRED TO THE GILBERT ISLANDS AND MADE THE POINT THAT JEREMIA TABAI WHILE IN THE OPOSITION HAD BEFRIENDED THE BANABANS AND HAD INDICATED

SUPPORT FOR THEIR CAUSE. NOW HOWEVER THAT HE FINDS HIMSELF WITH A GOVERNMENTAL RESPONSIBILITY, ADDED MARA WITH A TWINKLE IN HIS EYES, HE OBVIOUSLY HAS DIFFERENT THOUGHTS ON THE BANABAN CLAIM. THE PRIME MINISTER MADE IT CLEAR BY WORD AND COMPORTMENT THAT HE WELCOMES THE PROSPECT OF DISCUSSIONS BETWEEN THE BANABANS AND THE GILBERTESE AND THAT HE WAS PREPARED TO ACCEPT WHATEVER AGREEMENT THEY REACHED.

7. HE ADDED HOWEVER THAT "MY FORMER MASTERS" MEANING THE BRITISH HAD MISHANDLED THE PROBLEM. INSTEAD OF ASSUMING THE RESPONSIBILITY OF MAKING THE DECISION LEAVING THE OCEAN ISLAND WITH THE GILBERTESE AND PAYING AN ADEQUATE COMPENSATION THEY CREATED A SITUATION WHEREBY THE BANABANS WERE ABLE TO LINK THE OCEAN ISLAND WITH THEIR CLAIM TO COMPENSATION. THIS CREATED NOTHING BUT CONFUSION AND "DISORIENTATION".

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8. COMMENT: MUCH HAS BEEN DONE OF THE RELATION BETWEEN THE BANABANS AND THE FIJIANS TO THE POINT THAT IT WAS BEEN ALLEGED THAT RATU MARA PERSONALLY WAS SUPPORTING THE BANABAN CLAIM TO THE OCEAN ISLAND WITH THE PROSPECT THAT THE ISLAND WOULD ONE DAY BE ANNEXED TO FIJI. THIS MAY NOT BE THE MOST ACCURATE DESCRIPTION OF RATU MARA'S THINKING AND ACTIONS ON THE MATTER. IT WAS NATURAL FOR HIM TO FEEL AN OBLIGATION TO GIVE MORAL SUPPORT TO THE BANABANS WHO AFTER ALL ARE FIJI CITIZENS LIVING ON A FIJI ISLAND.

9. IN TERMS OF INTERISLAND RELATIONS IN THE PACIFIC, MARA IS COMMITTED BY PRINCIPLE AND COMMON SENSE TO THE IDEA OF NON-INTERFERENCE IN THE AFFAIRS OF OTHER ISLANDS. HE KNOWS FROM SOUTH PACIFIC HISTORY THAT INTERFERENCE WORKS BOTH WAYS AND THAT IF HE WANTED FIJI TO BE LEFT ALONE FIJI HAD BETTER RESPECT THE INTEGRITY OF OTHERS. ACCORDINGLY, RATU MARA WILL ACCEPT WITH GENUINE SATISFACTION ANY SOLUTION THAT THE BANABANS AND THE GILBERTESE WOULD ACCEPT AND THEREFORE GENUINELY SUPPORTS SUCH DIRECT NEGOTIATIONS BETWEEN THE TWO PARTIES.

10. WE HAVE TRIED THIS VIEW ON OUR COMMONWEALTH COLLEAGUES AND HAVE FOUND THEM ALL IN AGREEMENT WITH THIS INTERPRETATION OF RATU MARA'S ATTITUDE.
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